



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,311	11/20/2001	Anuraag Agrawal	6541-59028	9516

7590 06/14/2006  
KLARQUIST SPARKMAN, LLP  
One World Center  
Suite 1600  
121 S.W. Salmon Street  
Portland, OR 97204

EXAMINER
LE, NHAN T

ART UNIT	PAPER NUMBER
2618	

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/989,311	<b>Applicant(s)</b> AGRAWAL, ANURAAG	
	<b>Examiner</b> Nhan T. Le	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 17-22 and 37-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-22 and 37-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/30/2006 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 17-22, 41-42, 45, 50-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan et al (US 6,301,609) in view of Friskel (US 6,839,737).

As to claim 17, Aravamudan teaches a messaging method, comprising: selecting a message type for a message for delivery to at least one selected recipient (see col. 5, lines 15-31), evaluating application presence data (see col. 5, lines 32-51) associated with a recipient activity status record for an initiated application associated with the selected message type; and processing the message based on the evaluation (see col. 5, lines 52-67, col. 6, lines 1-31). Aravamuradan fails to teach wherein the status record is modified as the result of querying to determine if the application has been recently accessed. Friskel teaches wherein the status record is modified as the result of

Art Unit: 2618

querying to determine if the application has been recently accessed (see col. 2, lines 49-59, col. 6, lines 63-67, col. 7, lines 1-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Friskel into the system of Aravamudan in order to determine the online status of the users using the application window to initiate the real time messages (as suggested by Friskel col. 2, lines 49-59).

As to claims 18, 50, the combination of Aravamudan and Friskel teaches comprising obtaining the application presence data from a presence repository (see Aravamudan col. 6, lines 3-30).

As to claims 19, 51, the combination of Aravamudan and Friskel further teaches comprising obtaining the application presence data from an application server (see Aravamudan col. 5, lines 15-31).

As to claims 20, 52, the combination of Aravamudan and Friskel further teaches comprising delivering the message to the user if the evaluation indicates that the recipient is available (see Aravamudan col. 9, lines 10-44).

As to claims 21, 53, the combination of Aravamudan and Friskel further teaches comprising discarding the message if the evaluation indicates that the recipient is unavailable (see Aravamudan col. 8, lines 56-67, col. 9, lines 1-9).

As to claim 22, the combination of Aravamudan and Friskel teaches comprising directing the message to a destination selected based on the evaluation (see Aravamudan col. 9, lines 10-44).

As to claim 41, the combination of Aravamudan and Friskel teaches further comprising sending an alert to a user and updating the recipient activity status record based on a response to the alert (see Aravamudan col. 11, lines 40-64).

As to claim 42, the combination of Aravamudan and Friskel teaches further comprising selecting a time interval, and updating the recipient activity status record based user access to the initiated application during the time interval (see Aravamudan col. 7, lines 41-67, col. 8, lines 1-4).

As to claim 45, Aravamudan teaches a messaging method, comprising: selecting a message type for a message for delivery to at least one selected recipient (see col. 5, lines 15-31), evaluating application presence data (see col. 5, lines 32-51) associated with a recipient activity status record for an initiated application associated with the selected message type; and processing the message based on the evaluation (see col. 5, lines 52-67, col. 6, lines 1-31). Aravamuradan fails to teach wherein the status record is modified as a result of query to determine if the application has been recently initiated. Friskel teaches wherein the status record is modified as a result of query to determine if the application has been recently initiated (see col. 2, lines 49-59, col. 6, lines 63-67, col. 7, lines 1-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Friskel into the system of Aravamudan in order to determine the online status of the users using the application window to initiate the real time messages (as suggested by Friskel col .2, lines 49-59).

Art Unit: 2618

4. Claims 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan et al (US 6,301,609) in view of Friskel (US 6,839,737) further in view of Maurine (US 6,484,196).

As to claim 37, the combination of Aravamudan and Friskel fails to teach wherein the selected application is at least one of a chat application and an instant messaging application. Maurine teaches wherein the selected application is at least one of a chat application and an instant messaging application (col. 5, lines 55-67, col. 6, lines 1-12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Maurine into the system of Aravamudan and Friskel in order to provide users with many different features.

As to claims 38-40, the combination of Aravamudan and Friskel fails to teach wherein the recipient activity status record is associated with how recently the initiated application has been accessed; wherein the recipient activity status record is associated with how often the initiated application has been accessed and wherein the recipient activity status record is associated with how often the initiated application has been accessed. Maurille teaches wherein the recipient activity status record is associated with how recently the initiated application has been accessed; wherein the recipient activity status record is associated with how often the initiated application has been accessed and wherein the recipient activity status record is associated with how often the initiated application has been accessed (see col. 14, lines 16-67, col. 15, lines 1-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Maurille into the system of Aravamudan

Art Unit: 2618

and Friskel in order to provide users checking the status of other users on the personal message board server.

5. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan et al (US 6,301,609) in view of Friskel (US 6,839,737) further in view of Barsness (US 2004/0117443).

As to claim 43, the combination of Aravamudan and Friske fails to teach wherein the application presence data is contained within the first network and the initiated application is executing on second network. Barsness teaches wherein the application presence data is contained within the first network and the initiated application is executing on second network (see Barsness paragraph 0048). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Barsness into the system of Aravamudan and Friskel in order to provide users with the potential useful information.

6. Claims 44, 46-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan et al (US 6,301,609) in view of Ogle et al (US 6,430,604).

As to claim 44, Aravamudan teaches a messaging method, comprising: selecting a message type for a message for delivery to at least one selected recipient (see col. 5, lines 15-31), evaluating application presence data (see col. 5, lines 32-51) associated with a recipient activity status record for an initiated application associated with the selected message type; and processing the message based on the evaluation (see col. 5, lines 52-67, col. 6, lines 1-31). Aravamuradan fails to teach wherein the status record is modified without initiating the application. Ogle teaches wherein the status record is

Art Unit: 2618

modified without initiating the application (see col. 12, lines 58-67, col. 13, lines 1-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Ogle into the system of Aravamudan in order to determine the availability of the particular recipients.

As to claim 46, the combination of Aravamudan and Ogle teaches comprising obtaining the application presence data from a presence repository (see Aravamudan col. 6, lines 3-30).

As to claim 47, the combination of Aravamudan and Ogle further teaches comprising obtaining the application presence data from an application server (see Aravamudan col. 5, lines 15-31).

As to claim 48, the combination of Aravamudan and Ogle further teaches comprising delivering the message to the user if the evaluation indicates that the recipient is available (see Aravamudan col. 9, lines 10-44).

As to claim 49, the combination of Aravamudan and Ogle further teaches comprising discarding the message if the evaluation indicates that the recipient is unavailable (see Aravamudan col. 8, lines 56-67, col. 9, lines 1-9).

### ***Response to Arguments***

Applicant's arguments with respect to claims 17-22, 37-53 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



Alexander et al (US 6,988,128) teaches calendar events and calendar driven application technique.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T Le whose telephone number is 571-272-7892. The examiner can normally be reached on 08:00-05:00 (Mon-Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Nhan Le



EDWARD F. URBAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600